

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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SCHOOL FOR LANGUAGE AND  
COMMUNICATION DEVELOPMENT, et al.,  
Plaintiffs,

- against -

NEW YORK STATE DEPARTMENT OF  
EDUCATION, et al.,  
Defendants.

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**SUPPLEMENTAL  
REPORT AND  
RECOMMENDATION**

02-CV-0269 (JS) (JO)

**JAMES ORENSTEIN, Magistrate Judge:**

On April 7, 2010, I issued a report and recommendation in which I respectfully recommended that the court approve the parties' proposed settlement. Docket Entry ("DE") 193. As the result of an error of drafting and editing, I included a recommendation that the court retain jurisdiction over this action for the purposes of enforcing the infant compromise order and the terms of the underlying settlement – a term to which the parties had not agreed. It was not my intention to recommend an outcome that differed in any way from the parties' joint proposal for resolving the case, and the defendants understandably objected when I nevertheless did so. DE 194. Accordingly, I withdraw that portion of my earlier recommendation, and respectfully recommend that the court approve the parties' proposed settlement without alteration.

**SO ORDERED.**

Dated: Brooklyn, New York  
April 26, 2010

/s/ James Orenstein  
JAMES ORENSTEIN  
U.S. Magistrate Judge